

5/3/16

9:10 A.M.

Chapter No. 920
16/HR26/R514CS
AM / CSI

HOUSE BILL NO. 1582

Originated in House

Clerk

HOUSE BILL NO. 1582

AN ACT TO AMEND CHAPTER 939, LOCAL AND PRIVATE LAWS OF 2015, TO REVISE THE DEFINITION OF BLIGHTED PROPERTY FOR PURPOSES OF GRANTING THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, THE AUTHORITY TO CLEAN BLIGHTED PROPERTY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Chapter 939, Local and Private Laws of 2015, is amended as follows:

Section 1. (1) The Board of Supervisors of Harrison County, Mississippi, may, in its discretion, conduct hearings to determine whether certain property located within the county is blighted property, in addition to the authority granted to the board for property that is a menace to the public health as provided by Section 19-5-105, Mississippi Code of 1972. All findings shall be recorded in the minutes of the board of supervisors. For purposes of this act, "blighted property" means private property on which commercial buildings or single-family or multifamily residential * * * building structures, abandoned personal property, rubbish or other debris on the land are or were

located, * * * and are no longer in a state of repair suitable for use and occupancy, are neglected to the extent the structures or debris and remnants from structures are a menace to public health and safety, or are subject to entry by uninvited persons, including homeless persons, juveniles and vandals, or are subject to infestation of rodents or other varmints with potential to spread disease, or the structures are dilapidated to an extent to be a danger or a blight to the community and such property cannot be remedied under the provisions of Section 19-5-105, Mississippi Code of 1972.

Notice shall be provided to the property owner by:

(a) United States mail two (2) weeks before the date of the hearing mailed to the address of the subject property and to the address where the ad valorem tax notice for such property is sent by the office charged with collecting ad valorem tax; and

(b) Posting notice for at least two (2) weeks before the date of a hearing on the property or parcel of land alleged to be in need of cleaning and at the county courthouse or another place in the county where such notices are posted.

The required notice shall include language that informs the property owner that any adjudication at such hearing that the property or parcel of land is "blighted property" will authorize the board of supervisors to reenter the property or parcel of land for a period of one (1) year after the hearing * * *, if notice is posted on the property or parcel of land and at the county

courthouse or another place in the county where such notices are generally posted at least seven (7) days before the property or parcel of land is reentered for cleaning. A copy of the required notice mailed and posted as required by this act shall be recorded in the minutes of the board of supervisors in conjunction with the hearing required by this section.

(2) If at such hearing the board of supervisors shall in its resolution adjudicate such parcel of land in its then condition to be "blighted property," the board of supervisors may, if the owner fails to do so himself, proceed to have the land cleaned in a manner that is necessary to correct its "blighted" condition. Thereafter, the board of supervisors may at its next regular meeting by resolution adjudicate the actual cost of cleaning the land and may also impose a penalty. The cost and any penalty shall become an assessment against the property. The "cost assessed against the property" means either the cost to the county of using its own employees to do the work or the cost to the county of any contract executed by the county to have the work done, and administrative costs and legal costs of the county.

(3) A county may reenter the property or parcel of land to maintain cleanliness without further notice of hearing no more than six (6) times in any twelve-month period with respect to removing dilapidated buildings, dilapidated fences and outside toilets, and no more than twelve (12) times in any twenty-four-month period with respect to cutting grass and weeds

and removing rubbish, personal property and other debris on the land. The expense of cleaning the property shall be the actual cost of cleaning the property. The board of supervisors may assess the same penalty each time the property or land is cleaned as otherwise provided in this section.

(4) The penalty provided herein shall not be assessed against the State of Mississippi upon request for reimbursement under Section 29-1-145, Mississippi Code of 1972, nor shall a county clean a parcel owned by the State of Mississippi without first giving notice.

(5) The assessment authorized by this section shall be a lien against the property and may be enrolled in the office of the circuit clerk of the county as other judgments are enrolled, and the tax collector of the county shall, upon order of the board of supervisors, proceed to sell the land to satisfy the lien as now provided by law for the sale of lands for delinquent taxes. Furthermore, the property owner whose land has been sold pursuant to this section shall have the same right of redemption as now provided by law for the sale of lands for delinquent taxes. All decisions rendered under the provisions of this section may be appealed in the same manner as other appeals from county boards.

SECTION 2. This act shall take effect and be in force from and after its passage.


PASSED BY THE HOUSE OF REPRESENTATIVES
April 6, 2016


SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
April 19, 2016


PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR


GOVERNOR

May 3, 2016
9:10 AM